

Beer Board Meeting Minutes

Thursday, April 16, 2009

The meeting began at 2:05 p.m., with the following in attendance:

Chairman Horne, Commissioner Jordan, Commissioner Atkins, Assistant County Attorney Christy Kinard, County Clerk's office Pamela Catron, Detective Robert Butterick, Detective David Ballard, Officer Barry Clark, Beer Board Coordinator Ceceria Nickols.

I. Approval of Minutes

Review of February and March minutes. Commissioner Jordan moved for approval of the minutes.

Chairman Horne commented about the newest board member Robert Stevenson joining the board.

II. New Applicants

Lucy General Store, LLC
Lucy General Store
6636 Hwy 51 North
Millington, TN 38053

Hussain Mawani, the owner was in attendance. Chairman Horne asks Mawani was his relationship was with the store, he answered that he was the owner. Chairman Horne then asked Pam to discuss the status of the store. Pam explained and said the application complete and it was an off the premise permit. Mawani told the board he was just taking over the business, store is open, and when he took it over it was run down. Commissioner Mitchell comes into the meeting. Chairman Horne asks about the area the store is in, Mawani explained. Chairman Horne recognizes Commissioner Mitchell's attendance. Commissioner Atkins asks what area the store is in and what are were the hours of operation. Mawani told her the store would be open from 5 a.m. until 10 p.m. She then asked him how many people would be working in the store, he said three people and the background check on his wife was in the package. Chairman Horne asked him if he was selling beer now. He said yes, Chairman Horne then asked him if he had a permit already. Chairman Horne again asked him if the store had a permit now to sell beer. He said no. Mawani explained he has another store Christy asks about the pervious store that was there before. Mawani is told that permit is not good for this store and he can only sell beer when he receives a permit from the County Beer board. Chairman Horne tells him, he can not sell beer now without a permit and let him know permits are issued on a location bases. Chairman Horned asks if he has read the rules and regulations of the Shelby County Beer Board. Mawani says yes. Chairman advises him, he must read the rules and regulations or he might be back in front of the beer board. He then asks him a hypothetical question about selling beer. Mawani responds with the correct answer. Pam

tells him his wife must come in a get registered. Chairman Horne lets him know that his wife can not sell beer at the moment. Commissioner Jordan asks, how long the store has been open, Mawani tell him a couple of months. Commissioner Jordan then asks did anyone say anything to him about selling beer without a County Beer permit. Chairman Horne asked where he gets the beer to sell, from a wholesaler. He said yes. Commissioner Jordan asks him did anyone come to him and tell him he needed a County permit. Mawani said yes. Commissioner Jordan explains, then Mawani answers; he thought he could sell beer in the County if he had a permit for the City. Mawani said he paid a \$10 extra fee. Chairman tells him he got off easy. Commissioner Atkins asks him who wrote him that \$10.00 fee Mawani says the City. Chairman asks Christy to read the law as it applies re selling w/o permit. Christy explains it to Mawani.

Disposition: Commissioner Jordan move to grant the permit to Lucy General Store, Commissioner Mitchell 2nd. MOTION PASSES

III. Misdemeanor Citations
Current

Dragster Express (BP)

5341 HWY 51, Memphis, TN 38127

Permit # 107005560

Abdallah A. Mahd, owner/clerk

1. Sell of beer to a minor (Rule C.5)
2. Failure to display a valid beer permit (Rule C.1)

Abdullah Mahd in attendance, owner and sold the beer. Chairman Horne asks Pam about the citation, she had stepped out. Chairman Horne asks Detective Butterick the same question. Detective Butterick read the citation into the record. Permit not displayed by business. Detective Barry Clark was in attendance for this case. He is the citing officer and explains the reason for the citation. He attest the sell of beer did take place and didn't see the permit. Mahd explains what happened. Commissioner Jordan asks Officer Clark a question regarding checking the minor's ID. Ofc Clark explains he was only there to protect the safety of the minor. Commissioner Atkins asks about the background check of the employee. Mahd said he sold the beer. Commissioner Jordan asks how long sell beer has the store sold beer. Mahd said it was the first year. Commissioner Mitchell asks does the store have a system to input the information. Mahd said yes and he explains. Commissioner Mitchell then asks him to explain why the permit was not displayed. Mahd explains. Commissioner Atkins tells him he needs to be more careful. Chairman Horne reminds the Commission of prior fines because of selling to a minor. Chairman Horne asks for a motion. The motion is selling to minor when the beer permit isn't accurately displayed. After the motion passes Chairman Horne explained to Mahd why the action took place.

Disposition: Commissioner Jordan move selling beer to minor, \$500.00 fine, Atkins, 2nd. MOVED. Chairman Horne asks is there a motion to fine for failure

to display valid beer permit. Commissioner Atkins move to fine the business \$200.00 for failure to display the permit. No 2nd on this motion, fails for lack of 2nd. Chairman Horne asks for a different motion. Atkins restates her motion, 1st offense, \$200.00. Jordan, 2nd. MOTION PASSES.

Tom Cat's Sports Bar

5960 HWY 51, Millington, TN 38053

Permit # 106004109

Thomas Campbell, Owner

Carlena Tucker, employee cited, registered

1. Sell of beer to a minor (Rule C.5)
2. Failure to check identification (Rule C.5)

Chairman Horne asks if there is anyone in attendance. No one is there. Defer to the end of meeting

General Store and Deli (Lucy bought the store)

6636 HWY 51, Millington, TN 38053

Permit # 105000942

Vickie Al-Hamoud, Owner

Patricia A. Douglas, employee cited/registered

1. Sell of beer to a minor (Rule C.5)
2. Failure to display a valid beer permit (Rule C.1)

Chairman Horne asked Pam if they had turned in their permit yet, she said am said no. Chairman Horne explains to Commissioner Atkins, that the General Store is closed and the board just granted a beer permit to Lucy. Mahd give up the permit for General Store.

Penny Pantry

4991 Breckenwood, Memphis, TN 38127

Permit # 105002902

Jamal Ali and Omar Doma, Owners

Omar A. Domah, employee cited/registered

1. Sell of beer to a minor (Rule C.5)
2. Failure to display a valid beer permit

Jamal Ali and Omar Doma are in attendance. Detective Butterick reads the citation into the record. Officer Goodwin who was the arresting officer is in attendance. Tell Chairman Horne asks Officer Goodwin if what Detective Butterick read into the record was correct, he said yes. Chairman Horne gives Doma a chance to explain what happened. Chairman Horne asks Officer Goodwin a question about the ID. Officer Goodwin tells him in was new. Parties try to explain what happened. Commissioner Mitchell asks Ali and Doma was the bottom of the permit was showing. They said yes. Commissioner Jordan asks about checking ID. Commissioner Atkins asks who sold the beer. Chairman Horne asks is there a motion.

Disposition: Mitchell motion, selling beer to minor, \$500.00 assessed and for 2nd offense fail to display valid beer permit (in frame but wrong side showing).

Akins, 2nd the 1st motion. MOTION PASSES Mitchell, 2nd motion fail to display valid beer permit, fine \$100.00 for incorrectly displaying, no 2nd, motion fails. Atkins says it should be the maximum fine. Akins, fine \$250.00. Chairman reminds commission, \$200.00 before. Moved and Ms. Mitchell, 2nd. Moved by a vote of 3 to 1.

IV. Permits Void by Operations of Law

There were no permits voided by operations of law

V. Notice of Potential Violations

New Business

Shelby Market - 6882 Macon Road, Memphis, TN 38134
Gebeyehu Teklemariam, Owner; Permit # 105006748

1. Privilege tax paid 02/19/09.
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been updated. (Rule A.9)

Not in attendance. Pam said they are current.

Woodstock Store and Deli - 6055 Woodstock Cuba, Millington, TN 38053
Sylvester Crawford, Sr., Owner; Permit # 105001017

1. Privilege tax paid 02/24/09.
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been updated. (Rule A.9)

Pam said they are current

Casa Mexicana - 3875 Hacks Cross Road, Memphis, TN 38125
Casa Mexicana of Hacks Cross, LLC, Owner; Permit # 105003181

1. Privilege tax has not been paid. (Rule C.28)
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been provided. (Rule A.9)

Pam said they are current

Genie's Grocery - 7534 N. Watkins, Memphis, TN 38053
Genie's Grocery, LLC, Owner; Permit # 105000949

1. Privilege tax has not been paid. (Rule C.28)
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been updated. (Rule A.9)

Pam said this business is closed but the license had not been surrendered yet. Chairman Horne asks Christy the steps regarding a closed business and license not surrendered. Christy explains. Commissioner Atkins suggests sending a letter, Chairman Horne then asks me to send it.

Green Bamboo - 4502 Hacks Cross, Memphis, TN 38125

Ray Kien & Hai Nguyen, Owners; Permit # 105003398

1. Privilege tax has not been paid. (Rule C.28)
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been updated. (Rule A.9)

Pam said they have surrender permit, and are not selling beer anymore.

Circle K - 4195 Hacks Cross, Memphis, TN 38125

Circle K Stores, Inc, Owner; Permit # 105006365

1. Privilege tax has not been paid. (Rule C.28)
2. Old beer permit has not been surrendered. (Rule C.1)
3. Employee information has not been updated. (Rule A.9)

Pam said they paid the tax; she has the drivers' license for the employees, but they are not registered, and have not received their permit. Chairman Horne asks about sending a registered letter. Christy explained that the coordinator (me) was supposed to send the letter. I did and got the signed post card back. Pam the issue with Circle K. Chairman Horne asked Christy to get involved, contacting the corporate office.

Imbibrio's - 6353 Navy Road, Millington, TN 38053

Karen Abelsett, Owner; Permit # 108004808

Thorne Peters, Employee arrested 12/11/08/not registered

1. Employee not registered. (Rules C.4 and D.9)
2. No employee can be convicted of laws against manufacture/delivery/sale/possession with intent to do same within past ten years (Rule B.14)

Karen Abelsett and Thorne Peters were in attendance. Chairman Horne asked what the relationship was then asks Pam about the citation, she explains. Drugs. Chairman Horne asks Detective Butterick about the situation, he does. Chairman Horne asks if the detective is in attendance. Detective David Ballard comes forward and he explained what happened. Chairman Horne ask Ms. Abelsett what happen, she says the case has been disposed. Mr. Peters explains. He believes the club has been harassed by the Deputies of the Sheriff's department. Commissioner Atkins asks beer sold to minor, Peters said yes. Atkins asks registered to sell beer, Peters yes. Chairman Horne, how many employees registered to sell, 3. Chairman Horne Pam, who is registered, has the owner. She said Abelsett. Commissioner Mitchell asks Peters had he been convicted, he said no. Detective Butterick speaks, asks Peters about the charges against him. Disorderly conduct has been dropped but the other case is pending according to Detective Butterick. Commissioner Mitchell asks for assistance from the Sheriff's office regarding the

conviction and who is actually able to sell beer. She believes there needs to be more clarification on the matter. Commissioner Mitchell questions about Peters being part owner of the club. Chairman Horne asks who sold the beer to the minor, Sherry. Chairman Horne asks who Amber was. Peters said she was a bartender. Sherry sold the tokens to buy beer. Chairman Horne asks Detective Ballard is what Peters says is correct. Friday, no token and didn't pay to get in. Commissioner Jordan asks why Imbibrio's is before the board. Detective Butterick speaks about the steps taken regarding charges. Chairman Horne questions, Abelsett and Peters about the letter she bought to the Beer Board. Chairman Horne and Abelsett talk about the events in the letter. Chairman Horne asked Detective Ballard about the incident at the club, he said he witnessed Peters smoking marijuana. Commissioner Mitchell asks Christy to explain the events surrounding this club. Christy reads that no one can sell beer if they have been convicted in the past 10 years. Christy explains that Sherry did sell beer to a minor and that is before the board. Commissioner Atkins says they are in violation (B.3, unregistered employees). Christy said, fine up to 1,000 with the exception of selling to a minor. Commissioner Jordan, ask who is not registered, Peters says a DJ. Commissioner Jordan asks Peters what is his responsibility at the club, Peters said to be festive, and be the DJ. Commissioner Atkins said they are in violation because Peters handles beer without a registered. Commissioner Jordan question to Christy about owner and manager on the application, Christy said Pam can speak to that. Pam said on the application, owner or manager on the application. Abelsett questions the notion that someone picking up an empty beer bottle needed to be registered. Chairman Horne asks Peters has he ever picked up a half empty beer bottle or glass, Peters says yes he has. Commissioner Mitchell request that the board moves on. Chairman Horne asks Pam does she have the list of the individuals that can sell beer that the club, Pam says no. Chairman Horne asks going forward please bring over the application so the board can see who sells beer. Chairman Horne asks for a motion. Commissioner Mitchell make the motion, cited for omission for selling to a minor, 1st offense, \$500.00, Atkins, 2nd. Chairman Horne asks, have they been sited before for selling beer to a minor, Pam has no knowledge. Chairman Horne repeats the motion. MOTION APPROVED. Chairman Horne asks for a 2nd motion. Commissioner Atkins moves unregistered employee selling \$200.00. Chairman Horne reminds board about the drugs on the premises. Commissioner Atkins tells Chairman Horne she will withdraw the amount, Chairman Horne tells her he is not trying to make her change her mind. Commissioner Atkins repeats her motion to Commissioner Jordan. Commissioner Mitchell as for a discussion, she doesn't feel it has been properly discussed. Christy explains to Commissioner Mitchell the details about the charges. Commissioner Jordan asks, what else you can buy with the tokens, Peters says, cokes, chips etc. Chairman Horne clarifies, registered employee to sell tokens, not reluctant because she bought beer with the tokens. Chairman Horne said Commissioner Atkins motion is regarding unregistered employee selling beer. Chairman Horne explains is regarding Peters, he is not registered to sell beer. Commissioner Atkins moved \$200.00 for unregistered employee selling beer, Chairman Horne ask for 2nd, no 2nd motion fails, for failure to get a 2nd. Commissioner Jordan says there is nothing on record about Peters' status at the club. Chairman Horne says Peters said he was an employee, he is the DJ, he bus tables, and he is not registered to sell beer. Pam clarifies any employee

who is not registered to sell beer she has no record of. Abelsett talks about Peters status at the club, she said she never hired him for nothing. Chairman Horne asks Abelsett does Peters work at the club. Commissioner Atkins asks does Abelsett own the building, no. Commissioner Jordan speaks per Christy; board can act on Peters' testimony. Commissioner Mitchell asks clarification on Peters' status at the club. Chairman Horne talks about the February board meeting with the son and father incident. Commissioner Mitchell has a concern about Peter's status at the club and handling or serving beer at the club. Peters tells the board, he is an employee there and has thrown away beer. Chairman Horne notes two people testifying saying two different things. Commissioner Atkins asks Christy do they have to come back in front of the board about the criminal charges. Chairman Horne states there is no need for them to come back before the board. Christy will give an update on the criminal case

Disposition: Commissioner Atkins moves handling beer by an unregistered employee, \$200.00, Jordan 2nd. MOTION PASSES.

Tom Cat's Sports Bar

Deferred to next meeting

VI. Discussion/Announcements

A. Status of fines – County Clerk's Office

Shelby Station Pam said they have paid the fines.

Mr. P's Buffalo Wings, Mr. Plummer was in attendance. Fine has not been paid. He purposely didn't pay it. Son was registered but not at that address. Mr. Plummer son's was stung into selling that beer. Son as a record that will follow him for the rest of his life. Mr. Plummer doesn't like what happen to his son. He will pay the fine but wanted to come down and give his views on what happened to his son. Chairman Horne thanks Mr. Plummer for coming down, tells him the beer board in my trying to generate revenue for the County and tells him his son was not registered to sell beer in the County. Christy said the beer board has nothing to do with the Sheriff's office beer stings. Chairman Horne asks Detective Butterick what can Mr. Plummer about his situation. Detective Butterick speaks to Mr. Plummer and understands how he feels. Chairman Horne asks the board should they reconsider the fine they placed on Mr. P's. He also recalls the incident from February's beer board meeting. Commissioner Mitchell ask what is the president for going back to change a motion. Jordan says they should differentiate from the beer board and the Sheriff's department says the beer board is not sending people out to do the stings. Say all they are doing is administering the fines. Chairman Horne said it

is up to the board to reconsider a fine. Christy explains the steps of reconsideration of a fine. Commissioner Jordan asked Mr. Plummer if he knows the authority of the Shelby County Beer Board. Yes, he does. Chairman Horne asks if the discussion can be after going over the other items.

Disposition: Chairman Horne motion to reconsider fine for having an unregistered employee, Commissioner Jordan 2nd, MOTION PASSED.
Chairman Horne moves to fine \$200.00, 1st offense, Commissioner Jordan 2nd. MOTION PASSED.

Bennington Mini Mart, fines paid

Dan's BarBQ, Pam said she has the certified letter ready to mail.

Club Pisces, Pam said she has the certified letter ready to mail.

Tierra Caliente, Pam talk with the manager, out of the state. Does not know if they will rebuild or reopen

Chairman Horne requests updates on Dan's BarBQ and Club Pisces.

Chairman asks is there a motion for adjournment; motion to adjourn by Commissioner Atkins.

Adjournment of meeting to May 21, 2009 at 2:00 p.m.